

EXHIBIT D

Carlos Fraga

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Gaston, et al. v. The Islamic Republic of Iran</i>	18-cv-12337 (GBD)(SN) ECF Case

DECLARATION OF CARLOS FRAGA

I, Carlos Fraga, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than eighteen (18) years of age and I have personal knowledge of and am competent to testify to the matters stated in this declaration.

2. I am a citizen of the United States today, as I was on September 11, 2001. 3. On September 11, 2001, I was present in New York City when the terrorist attacks on the World Trade Center (WTC) occurred.

4. I was a member of the New York Army National Guard, serving in the 69th Infantry Regiment out of the 68 Lexington Avenue Armory in New York City. My regiment was activated on 9/11 in response to the attacks. I reported to the Armory and we operated from there as part of the initial search and rescue effort beginning on September 12. My unit took twelve hour shifts from 8:00 a.m. to 8:00 p.m. The rescue effort quickly turned into a recovery effort and we assisted by searching in and under the pit for human remains. The site was on fire the entire time we were there. There was no personal protective equipment available to us. Once FEMA arrived on the scene, we also provided security at the site for a few weeks.

5. During the time I was at Ground Zero I had difficulty breathing, was consumed with nausea causing vomiting, and I felt as if my skin was on fire. I had been a college student at New

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York University at the time my unit was activated and the things I witnessed at Ground Zero disturbed me greatly. We were searching through several feet of ash for human remains and had to be extremely careful where we stepped. We found body parts of all description, which we bagged so they might later be identified, all around the site. What made matters even worse was that we were bunking at the Lexington Street Armory and the families of the victims knew this. When we returned after a twelve-hour shift, with our uniforms covered in dust, they waited for us and bombarded us with questions and pictures of their loved ones who were missing, asking us if we had seen them. I still remember all those faces in the pictures we were shown and the grief of those families.

6. When I reported for duty in response to 9/11, I was twenty-seven years old and in excellent health. After my experience at Ground Zero was over, I never went a month without being sick. There seemed to always be something wrong, whether it was diarrhea, nausea, vomiting, chest pain, or respiratory issues. In October 2001, almost immediately after I had spent those weeks in September at the site, I was on a plane from New York to San Francisco and I suffered a panic attack in the air. I thought I was having a heart attack. I also began crying uncontrollably. I had been doing well in college, but I never went back to school because I could not bring myself to go below 14th Street in Manhattan where the school was located. I have continued to suffer from post-traumatic stress disorder (PTSD). I underwent therapy for two or three years until I felt they had done all they could for me. I still have nightmares and see images of the gruesome things I saw at Ground Zero.

7. I began participating in the World Trade Center Health Program (WTCHP) several years after the attacks. I have had many health issues to deal with. I have undergone sinus surgery to try to alleviate some of my breathing problems, gallbladder surgery for cancer and a

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laparotomy to try to find the cause of my abdominal pain. I have continued with the WTCHP's annual monitoring.

8. Following the diagnoses of my medical conditions by the WTCHP, I applied to the Victim Compensation Fund (VCF) for the injuries I suffered deemed to be causally connected to my exposure to environmental toxins at Ground Zero. The VCF found that I was eligible for compensation based on the information it received about injuries including intrinsic asthma and esophageal reflux. A true and correct copy of the VCF eligibility determination letter documenting the physical injuries I suffered from the attacks on 9/11 is submitted with this declaration as part of this exhibit.

I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 22nd day of July, 2025.


Declarant Carlos Fraga



March 9, 2022

CARLOS FRAGA

Re: CLAIM NUMBER: VCF0135405

Dear CARLOS FRAGA:

The September 11th Victim Compensation Fund ("VCF") previously sent you a letter notifying you of the eligibility decision on your claim. The letter explained that the VCF had reviewed your claim and determined you were not eligible for compensation. The letter included the reason(s) for the decision and information on how to amend your claim. You then amended your claim and provided additional information not previously submitted to the VCF.

The VCF has considered your amended claim and reviewed the new information you provided and has determined that you meet the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, you have been found eligible for the following injuries:

- ESOPHAGEAL REFLUX
- INTRINSIC ASTHMA, UNSPECIFIED

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, an injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

What Happens Next

If you have been certified for treatment by the WTC Health Program for a condition not listed above, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

If you believe you have eligible injuries that are not being treated by the WTC Health Program and you would like the VCF to consider those injuries before calculating your award, you should amend your claim. If you choose to amend your claim, you must first seek



certification for the condition(s) from the WTC Health Program. Seeking certification for your condition provides the VCF with the necessary evidence that the condition is eligible for compensation. Please note, however, that because additional certifications do not necessarily impact the amount of your award, we recommend that you wait to receive your award letter to determine whether to seek certification for any additional condition(s).

If you do not have injuries other than those listed above, you should submit the compensation section of your claim form and the required supporting materials if you have not already done so. If you have already submitted this information, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0135405**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya
Special Master
September 11th Victim Compensation Fund

JESSICA SMITH can access the electronic copy of this letter uploaded to your online claim.